IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JULIE ELLEN WARTLUFT F/K/A JULIE	
ELLEN BARTELS AND FREDERICK L.	
BARTELS, JR., Individually and as	
Administrators of the Estate of Abrielle Kira	1 1 6 001 45 151
Bartels, Deceased,	1:16-cv-02145-JEJ
Plaintiffs, :	
vs.	(Jones III, J.)
:	
THE MILTON HERSHEY SCHOOL, and	
THE HERSHEY TRUST COMPANY, AS	
TRUSTEE OF THE MILTON HERSHEY	
SCHOOL TRUST,	
Defendants.	
:	

ORDER

AND NOW, this day of, 2019, upon
consideration of Defendants' Motion for Summary Judgment (Doc), and any
opposition thereto, it is hereby ORDERED that the Motion is GRANTED . It is
FURTHER ORDERED that judgment is entered in favor of Defendants, and
against Plaintiffs on all remaining counts.

John E. Jones III, Judge
United States District Court
Middle District of Pennsylvania

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JULIE ELLEN WARTLUFT F/K/A JULIE ELLEN BARTELS AND FREDERICK L. BARTELS, JR., Individually and as Administrators of the Estate of Abrielle Kira Bartels, Deceased,

1:16-cv-02145-JEJ

Plaintiffs.

(Jones III, .J.)

VS.

THE MILTON HERSHEY SCHOOL, and THE HERSHEY TRUST COMPANY, AS TRUSTEE OF THE MILTON HERSHEY SCHOOL TRUST,

Defendants.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants, the Milton Hershey School ("MHS" or the "School"), and Hershey Trust Company ("HTC"), as trustee of The Milton Hershey School Trust ("MHST"), (collectively, "Defendants"), move for summary judgment on all of Plaintiffs' remaining claims.1

On October 22, 2019, the Court "provisionally" unsealed documents filed under seal in this case, subject to Defendants' submission of proposed redactions and/or a particularized showing of good cause for the continued sealing of the

¹ On October 28, 2016, the Milton Hershey School Trust, and the Board of Managers of the Milton Hershey School were dismissed from this action. See Dkt. Sheet (terminating the said entities from this action).

documents. (Doc.286.) On December 6, 2019, in compliance with the Court's Order, Defendants submitted briefing, proposed redactions, and justifications for continued sealing of the provisionally unsealed records. (Doc.291.)

At the time of the filing of this Motion, the Court has not ruled on the redactions and justifications for continued sealing submitted by Defendants on December 6, 2019. (Doc.291.) Accordingly, to the extent the proposed redacted information and documents that Defendants contend should remain continuously sealed are also part of the Defendants' instant Motion for Summary Judgment, the publicly filed Motion and related filings are redacted in conformity with Defendants' December 6, 2019, submission to the Court. (*Id.*)

Redacted versions of Defendants' instant Brief in Support of Motion for Summary Judgment, Statement of Undisputed Material Facts, and Exhibits, all filed contemporaneously herewith, mirror the color-coded redactions and justifications for continued sealing contained within Document 291 filed by Defendants on December 6, 2019. (*Id.*) A color-coded redaction key is attached hereto as Exhibit 1. Defendants will separately serve the Court and Plaintiffs' counsel with non-redacted versions of all filings related to the within Motion for Summary Judgment.

For the reasons set forth in Defendants' Memorandum of Law in Support of Motion for Summary Judgment, the provisions of which are incorporated herein by

reference, this Court should grant Defendants' Motion, and enter summary judgment in Defendants' favor on all of Plaintiffs' remaining claims.

Respectfully submitted,

ELLIOTT GREENLEAF, P.C.

/s/ Jarad W. Handelman
Jarad W. Handelman
Kyle M. Elliott
17 N. Second Street, Suite 1420
Harrisburg, PA 17101
717.307.2600 (phone) / 717.307.2060 (fax)
215.977.1000 (phone) / 215.977.1099 (fax)
jwh@elliottgreenleaf.com
kme@elliottgreenleaf.com

Dated: December 17, 2019 Counsel for Defendants

CERTIFICATE OF NON-CONCURRENCE

Pursuant to Local Rule 7.1, undersigned counsel certifies that he sought concurrence for the Motion from Plaintiffs, and that it has not been granted.

Dated: December 17, 2019 /s/ Jarad W. Handelman

Jarad W. Handelman, Esquire

CERTIFICATE OF SERVICE

I, Jarad W. Handelman, Esquire, hereby certify that I caused the foregoing to be served via ECF upon all counsel of record, including:

Gregory F. Cirillo, Esquire
John J. Higson, Esquire
John W. Schmehl, Esquire
Dilworth Paxson LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
215.575.7000 (phone)
215.575.7200 (fax)
gcirillo@dilworthlaw.com
jhigson@dilworthlaw.com
jschmehl@dilworthlaw.com
Counsel for Plaintiffs

Dated: December 17, 2019 /s/ Jarad W. Handelman

Jarad W. Handelman, Esquire